

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: January 13, 2010

CALLED TO ORDER: 5:33 p.m.

ADJOURNED: 6:57 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Vernon Brown
Bob Cockrum
Benjamin Hunter
Mary Moriarty Adams
William Oliver
Marilyn Pfisterer
Christine Scales

Absent Members

AGENDA

PROPOSAL NO. 483, 2009 - appoints Philip Coons to the Domestic Violence Fatality Review Team

“Do Pass”

Vote: 8-0

PROPOSAL NO. 13, 2010 - approves the Mayor's appointment of Frank G. Straub as the director of the Department of Public Safety

“Do Pass”

Vote: 8-0

PROPOSAL NO. 14, 2010 - reconfirms the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender

“Do Pass”

Vote: 8-0

PROPOSAL NO. 15, 2010 - approves a transfer of \$60,369,628 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Marion County Sheriff, Marion Superior Court, Marion County Coroner, Marion County Prosecutor, Public Defender Agency and Forensic Services Agency (Public Safety Income Tax, IMPD General and County General Funds) in compliance with Indiana Code that all monies collected from the public safety income tax be accounted for in a separate fund

“Do Pass as Amended”

Vote: 6-0

PROPOSAL NO. 16, 2010 - amends the Code to extend the probationary period for members of the metropolitan law enforcement agency for more meaningful review of performance at work and in the field during field training

“Do Pass”

Vote: 7-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, January 13, 2010. Chair Ryan Vaughn called the meeting to order at 5:33 p.m. with the following members present: Vernon Brown, Bob Cockrum, Benjamin Hunter, Mary Moriarty Adams, William Oliver, Marilyn Pfisterer and Christine Scales. Also present was Councillor Bob Lutz.

PROPOSAL NO. 14, 2010 - reconfirms the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender

Mr. Hill said that he believes that the last year has gone very well for the Public Defender Agency (PDA), as they have made great strides at managing their budget and taking care of their obligation to the court system and to Marion County. He said they have reduced personnel, maintained their caseload levels for Public Defender Commission (PDC) standards, and their reimbursements from the Commission are up. He said that he is exceptionally proud that they have been able to maintain the integrity of what they do with all of the budget pressures. Mr. Hill said that he appreciates the board for re-nominating him and the confidence they show in him.

Councillor Oliver asked Mr. Hill about the plea bargain process, and if it is fully explained. Mr. Hill answered that his attorneys have the obligation to explain the plea offer from the state in full to their clients. He said if they are not doing that, then they are failing their responsibility to their client and to the profession. He said that at the time of the hearing, the judge also has the obligation to thoroughly go over the plea agreement with each client to ensure that they fully understand the plea. Chair Vaughn added that most of the time, the judge also takes the opportunity to explain the plea before the defendant, and the defendant has to acknowledge, on the record, that they understand what has been presented before they enter into the plea. Mr. Hill said that the system would come to a halt without plea bargains, because a majority of the cases are resolved by plea.

Councillor Lutz said, as a previous public defender (PD), he can attest to Mr. Hill and Chair Vaughn's comments. He said he is here tonight to speak on behalf of Mr. Hill, as he has done an excellent job at the PDA.

Councillor Pfisterer asked if Mr. Hill has anything particular that he would like to share as a goal for 2010. Mr. Hill answered that they are trying to look at the way that they assign conflict attorneys to make sure that the attorneys are delivering the high quality of service that he believes should be given. He said they will also look at consolidating some positions and set up a better administration of the conflict system, which will not be easy because of the money situation. Mr. Hill said that he is also interested in improving the PDA's ability to self-evaluate how they are performing as attorneys representing the accused in court.

Councillor Oliver asked if there is a caseload standard that is acceptable by the PDC for each public defender. Mr. Hill answered in the affirmative, and stated that they have maintained

compliance with the Indiana PDC, which allows them to receive a reimbursement of 40% of their expenses from the State.

Councillors Moriarty Adams and Hunter moved, seconded by Councillor Pfisterer, to forward Proposal No. 14, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 483, 2009 - appoints Philip Coons to the Domestic Violence Fatality Review Team

Chair Vaughn asked Mr. Coons to tell the Committee a little about himself and why he is interested in serving on this board.

Mr. Coons said that he is a psychiatrist in general and forensic psychiatry. He said he is the professor emeritus in the psychiatry department at the Indiana School of Medicine. Mr. Coons said that there are a number of areas that he believes will help him in this position. He said his clinical experience includes many years in the adult services area, specifically female services, at the Larue Carter Memorial Hospital. During this time, he said he not only had the chance to see a lot of women who were the victims of domestic violence, but he also did research on dissociative disorders, many of which are associated with a high degree of abuse in childhood. He said that many of those women could be victimized in adulthood.

Mr. Coons said after leaving Larue Carter, he has worked part-time doing forensic psychiatry, where he has seen about 30 to 35 cases of fatalities where the defendants have primarily killed family members.

Chair Vaughn said that the Domestic Violence Fatality Review Team was established by this Committee along with the leadership of Judge Certo and has very specific requirements of whom they elect to serve. He said that he believes that this appointment fulfills the medical professional requirement.

Councillor Cockrum stated that Mr. Coons' resume indicates an address in Carmel, Indiana. He asked if that is his business or residence address. Mr. Coons answered that he is a resident of Marion County, but he regularly sees patients in Carmel. He said that most of his work consists of traveling to different areas of the city. He added that he has also done a lot of examination for the Marion County Criminal Court system.

Councillor Scales moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 483, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 13, 2010 - approves the Mayor's appointment of Frank G. Straub as the director of the Department of Public Safety

Chair Vaughn said that the statute is written to require Council approval on the Mayor's selection of the Public Safety Director.

Mr. Straub said that he has about 26 years in the area of Public Safety, beginning with three years at the U.S. Department of State, the Bureau of Diplomatic Security, as a federal agent doing dignitary protection, counter-terrorism and intelligence work relative to the United Nations General Assembly event planning. He said he spent four months in Bogota, Colombia in charge of the U.S. Ambassador's security detail and traveled extensively throughout the United States and the world protecting dignitaries. Mr. Straub said that he left the State Department for three reasons. One was that he was recruited by the now known Naval Criminal Investigative Service because they were building a naval base on Staten Island, that is now de-funded. The second reason is because they were building a new way of bringing the military into New York called Fleet Week, and it was a significant security undertaking. The third reason is that with the State Department, he traveled as much as 70% to 80% of the year, and that was difficult while trying to raise a child. Mr. Straub said that he was with the Naval Investigative Service for three years, and served in a counter-intelligence unit.

Mr. Straub said that he was then recruited by the U.S. Department of Justice Office of Inspector General, an agency that was created to maintain integrity in the Department of Justice and to conduct public corruption investigations. He said he first served as a special agent in New York City and was then promoted to the special agent in charge in the New York field office, with two agents that worked under him in Boston, Massachusetts. Mr. Straub said that in this position, they investigated corruption in the Federal Bureau prisons, the U.S. Immigration and Naturalization Service, Homeland Security, the U.S. Marshall Service, the U.S. Attorney's Office, and some limited investigations of the Federal Bureau of Investigations (FBI) and the Drug Enforcement Administration (DEA). He said that his final position with the Department of Justice was as the special agent in charge of the Research and Analysis Unit, where his primary mission was to develop matrix for agency performance and methods to prevent corruption versus spending hundreds of thousands of dollars investigating people who commit crimes.

Mr. Straub said that he was then recruited as executive deputy for the New York State Inspector General responsible for supervising investigators, auditors and attorneys investigating corruption in New York State executive agencies. He was later asked to join the New York City Police Department (NYPD) as the deputy commissioner of training. However, before working there, he worked in the after-math of 9-11 and was at the World Trade Center on 9-11, taking part in the rescue and recovery operations. He said that he was tasked by Commissioner Bernard Kerik to develop and implement counter-terrorism training for all uniform and civilian members of the NYPD. He said he was then asked to serve as assistant commissioner in the newly-created Counter-Terrorism Bureau.

Mr. Straub said that he additionally served seven and a half years as the commissioner of public safety in White Plains, NY. He said that during his tenure, they reduced crime in excess of 40%, reduced structure fires in excess of 20%, and built an internationally and nationally recognized public safety agency, where he leveraged and coordinated the resources of police, fire and Emergency Medical Systems (EMS). He said that he had the privilege and honor to testify before the U.S. Congress House of Representatives' Judiciary Committee on a number of the programs that they had put in place to deal with domestic violence, juvenile justice issues and prisoner re-entry. He said he also testified on those issues before the Congressional Black Caucus, as well as at another hearing on youth violence held by Congress.

Mr. Straub said additionally, he has earned a Masters in Forensic Psychology, a PhD in Criminal Justice and authored a book on performance-based management. He said that he also wrote several articles on policing in urban communities, public safety as a model and performance issues in public safety agencies.

Councillor Brown welcomed Mr. Straub to Indianapolis. He asked if Mr. Straub has done anything with fire service. Mr. Straub said that as the public safety commissioner in White Plains, he recognized that he would have to supervise a fire agency. Therefore, he got certified as a firefighter and ended up going into a fire in a synagogue and dragging hose.

Councillor Brown asked Mr. Straub if he is a man of his word. Mr. Straub answered that he would say that is true. He said that one unfortunate event at the end of his tenure in White Plains included an incident in which the Mayor of that city approved 24-hour shifts for firefighters and 12-hour work schedules for patrol officers that were in place for about nine months. He said that particular mayor decided that he was not going to run for office again and Mr. Straub was asked to terminate those contracts. He said, after an extensive analysis, it was determined that those shifts resulted in a savings of \$400,000 in overtime costs and a reduction of 3,000 hours of sick time. He said that fires and civilian complaints decreased and arrests increased. He said he testified before that council about the reasons that those work schedules should remain in place. He said he stood by the decision and supported the labor unions, and the council was less than pleased with his decision, but he believed that he had an obligation to do what he was originally asked to do and what was right for the men and women that had served the city. As a result, Mr. Straub said that he resigned from his position.

Councillor Hunter asked Mr. Straub what his philosophy is for the cinergy that develops between the departments of police, fire and emergency services that also help to drive down crime. Mr. Straub said that he has been on a non-stop tour since January 4th, and he has interviewed every chief and commander in the police department; is working on interviewing every captain in the police department; met with a group of 15 police officers and detectives, the people at emergency management, animal care and control and the fire department. He is also scheduled to meet with the fire union. Mr. Straub said that every person that he has met with are some of the most dedicated people and are doing a tremendous job. He said when he was in White Plains, it was about how to build a cohesive public safety agency by bringing police officers, firefighters and EMS personnel together to take the strengths of each discipline to be more fiscally responsible, while also delivering a higher level of services. He said that there are a lot of areas in which the answer can be found. For example, abandoned houses are a police, fire and Department of Public Works (DPW) issue. He said it is important to also include surrounding communities, and Indianapolis is fortunate because the surrounding communities have paid professional fire departments. Mr. Straub said that one of the things that he learned during the 9-11 incident is the need for very close cooperation and strong working relationships between all public safety services.

Chair Vaughn said that he is interested in the issue of community policing. He asked Mr. Straub his philosophy on that issue. Mr. Straub said that community policing exists in the city already, because it basically comes down to engaging the community, being respectful of the community, and identifying the individuals in the community that disrupt the lives of that community. He

said it is the job of public safety services to protect the rights of all people and make sure that people can enjoy their neighborhoods. He said in his previous position, they focused on building relationships with the young men and women in their hardest hit neighborhoods, on domestic violence particularly with children, and on partnering with social services to make sure that a child exposed to violence in the home or on the street is connected to counseling within 24 hours of the incident. He said that Indianapolis has a great example here, such as with the Julian Center. Mr. Straub said that sustainability of relationships and programs is a huge issue.

Councillor Oliver said that Mr. Straub's resume indicates that he is committed to diversity and provides details of Mr. Straub's background as stated. Therefore, he believes that Mr. Straub knows something about the concerns of having more efficient diversity to fight crime. He said that the template of how the City of Indianapolis is going to try to achieve diversity is currently slow. He asked Mr. Straub to discuss his thoughts about diversity. Mr. Straub said that diversity in police and fire services is probably one of the most difficult challenges that anyone in his position faces, because some of the issues are controllable and some are not. He said both NYPD and White Plains had a very structured civil service system that required the use of the rule of threes, which allowed for a selection to be made from any one of the first three people before moving through the remainder of the list. He said White Plains was fortunate that police and fire were on a consent decree. He said that there was also a very significant Latino community in White Plains for which they made additional provisions. Mr. Straub said that he feels that diversity issues start from the top, and there must be a clear declaration from the leader of the public safety agency or agencies of the intent to have diversity as a priority within the department. He said that the leader must go out and recruit the best men and women to serve in the departments, giving them the tools to be successful in passing required tests. He said it is important that the testing process and the promotional process be fair and thoroughly vetted. Mr. Straub said, with respect to the promotional process, the most talented people must be determined and promoted within the department.

Councillor Oliver asked how reporting the disclosure of hate crimes would enhance the community. He also asked if they were in place in New York City and White Plains, and how they helped. Mr. Straub answered that they were in place in both and he believes that the thorough, professional investigation of hate crimes instills stability and ensures that everyone is treated equally and given the same amount of opportunities. He said it works in New York and in White Plains, and he believes that it works in communities throughout the country where hate crimes are aggressively investigated.

Bill Dowden, citizen, stated that he is a member of the Board of Directors of the Indiana State Rifle and Pistol Association, of which there are thousands of members from all walks of life. He said that the media has made some statements about both sides that do not necessarily reflect anyone, which has created a mis-understanding. He said the members of the Association recognize the very strong and admirable academic credentials of Mr. Straub. Mr. Dowden spoke about and referenced some articles that were misleading about gun ownership and gun permits, and clarified that there has not been any evidence of the issues being the truth. He commended the Council for being pro-public safety. Mr. Dowden said, with Mr. Straub's nomination approved by the Council, he hopes there will be a good, open relationship between the Council, the public safety director and the law abiding citizens of Marion County. Additionally, he hopes

that the progress that has already been made will continue to be made. He said it is known that the public safety director does not make policy or law, and Mayor Greg Ballard has assured everyone that he is satisfied with the relationship of gun owners in Marion County and the ownership use, and is not about to propose or endorse any change in gun ownership laws in Marion County. He urged Mr. Straub and the Council to continue to see Indianapolis as a city that is known as anti-crime and not anti-gun.

Chair Vaughn said that he spoke with the representatives of the National Rifle Association (NRA) and they said that they enjoy open communication with Mayor Ballard, and it is believed that the Mayor stands with legal owners on this use of the Second Amendment.

Liz Karlson, citizen and Chairman of Republican Liberty Caucus (RLC) of Marion County, said that she believes that part of the qualification for the public safety director is to be familiar with the community culture. She said that Hoosiers come from a community that recognizes that guns are not the problem. She said in recent years, this state offers life-time permits, allows people to carry firearms in state parks, and someone is working on legislation that will protect the identities of licensed gun holders. Ms. Karlson said that she has an issue with the possibility of differences in definitions. For example, she is not sure what Mr. Straub's definition is of illegally possessed. She said in Indiana, a person does not need a license to possess a firearm, but firearms are not the cause of the crime. She said she would like to have a public safety director who looks at the causes of crimes as opposed to blaming other things such as guns for the crime. Ms. Karlson said that she is not in favor of Mr. Straub's appointment.

Chief Michael Spears, Indianapolis Metropolitan Police Department (IMPD), said that he and his entire command staff are here to support Mr. Straub. He said they have had the opportunity to meet with Mr. Straub and are convinced that he is a man of integrity, who is interested in progressive, professional policing and raising the police department, as well as the City, to new levels.

Paul Ogden, citizen, said that Mr. Straub is clearly qualified and experienced to fill this position. However, he will be in a position to influence policy, even though it has been said that he will not make policy. He said that the City of Indianapolis is not limited by the Second Amendment. He added that Indianapolis has one of the most restrictive gun return policies in the Midwest. If a police officer takes a gun, the City has made fingerprinting a requirement for people to get their handguns back, even though that is not required to possess a gun in a home.

Jim Majdak, citizen, Libertarian party, said that he is opposed to Mr. Straub's appointment because of his Second Amendment views. He said that he feels a nominee for this position should be focused on the actions, intentions and motives of an alleged criminal, instead of an inanimate object.

Wayne Smith, President, Firefighter's Local 416, said that he spoke with other firefighters out of the city who have worked with Mr. Straub. He said that he has heard many great things about Mr. Straub and the things that Mr. Straub has testified to were confirmed by the others that have worked with him. He said he met with Mr. Straub and explained to him the type of fire department that he was inheriting with the Indianapolis Fire Department (IFD). He said that Mr.

Straub was very appreciative of the information that he was providing to him. Mr. Smith said that he is very impressed that Mr. Straub is a straight shooter. Mr. Smith added that the Local 416, in conjunction with Indianapolis Public Schools (IPS), is putting together an IPS curriculum to help with diversity and hopefully produce a very talented applicant pool to draw from in the future.

Bill Owensby, President, Fraternal Order of Police (FOP), said that the FOP supports the appointment of Mr. Straub.

Councillor Moriarty Adams moved, seconded by Councillor Hunter, to forward Proposal No. 13, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

[Clerk's note: Councillors Cockrum and Moriarty Adams left at 6:47 p.m.]

PROPOSAL NO. 15, 2010 - approves a transfer of \$60,369,628 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Marion County Sheriff, Marion Superior Court, Marion County Coroner, Marion County Prosecutor, Public Defender Agency and Forensic Services Agency (Public Safety Income Tax, IMPD General and County General Funds) in compliance with Indiana Code that all monies collected from the public safety income tax be accounted for in a separate fund

Chair Vaughn said that this proposal is due to a requirement of the State that the public safety tax money collected must be deposited into a specific fund and then reallocated, which was an accounting function that was not performed in last year's budget process.

Councillor Hunter moved, seconded by Councillor Scales, to "Amend" Proposal No. 15, 2010 as described in Exhibit A. The motion carried by a vote of 6-0.

Jason Dudich, Office of Finance and Management, said that this proposal basically moves \$60.4 million of revenue from the County General Fund and the IMPD General Fund to the newly created Public Safety Income Tax Fund. It also moves \$60.4 million in appropriations out of the IMPD General Fund and the County General Fund for various city and county agencies. Mr. Dudich distributed a presentation detailing these changes (attached as Exhibit B).

Chair Vaughn asked if any public safety agency budgets will increase or decrease as a result of passing this proposal. Mr. Dudich answered in the negative.

Councillor Hunter moved, seconded by Councillor Pfisterer, to forward Proposal No. 15, 2010 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 16, 2010 - amends the Code to extend the probationary period for members of the metropolitan law enforcement agency for more meaningful review of performance at work and in the field during field training

Brian Roach, Deputy Chief, IMPD Administration, said that this proposal mirrors what is in the code for IFD. He said, prior to the merger, the police department's language indicated that the probationary period began after graduation from the academy. He said that the current ordinance gives an officer about eight weeks when the officer is alone to determine if the officer can do the job, and IMPD Administration does not feel that is enough time. Deputy Chief Roach said this ordinance gives more time to work with an officer, evaluate them and make a determination of whether they will be the best police officer for the City.

Chair Vaughn asked if IMPD Administration has consulted with the FOP about this change. Deputy Chief Roach answered in the affirmative. Mr. Owensby said that the FOP is 100% behind this proposal.

[Clerk's note: Councillor Moriarty Adams returned at 6:53 p.m.]

Councillor Pfisterer asked how much this extends the time. Deputy Chief Roach answered that officers are in the academy for about 24 weeks and then in the Field Training Office (FTO) program for about 20 weeks, so this gives them about a year after the first 44 weeks. Therefore, this makes the probationary period about a year and 44 weeks.

Councillors Hunter and Brown said that they support this proposal.

Chair Vaughn asked if this particular program has any impact or relationship with the Mayor's Task Force that was developed to investigate and develop some diversity training. Chief Deputy Roach said that they have not discussed this with the Mayor's Task Force, but he does not believe that this will affect what they are working to do.

Councillor Moriarty Adams moved, seconded by Councillor Hunter, to forward Proposal No. 16, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 6:57 p.m.

Respectfully submitted,



Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

Proposal No 15, 2010

MOTION TO AMEND

Mr. Chair:

I respectfully move to amend Proposal 15, 2010, specifically the portion which pertains to the **Forensic Services Agency**, as introduced and before this committee, by the revisions to section 2, by deleting the portions stricken through and replacing with the underlined portions, as shown below.


 Councilor

Date: 1/13/2010

SECTION 2.

FORENSIC SERVICES AGENCY

- 1. Personal Services
- 2. Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL INCREASE

(County) PUBLIC SAFETY INCOME TAX FUND

853,785	773,000
	0
	<u>80,785</u>
	0
	<u>0</u>
	853,785

Proposal 15 – 2010

Reallocation of Public Safety Income Tax Revenue and Appropriations

History

- City County Council exercised the option to enact a Public Safety Tax in 2007 under IC 6-3.5-6-31
- Public Safety Income Tax revenue began coming into the city and county 2008 budget
- Revenues were deposited into three funds:
 - IMPD General Fund, Fire Pension Trust Fund and County General Fund
- Similar to Prop. 412 – 2009 Passed by Council

The Law

- State of Indiana directed the City and County to deposit Public Safety Income Tax revenues into a separate fund for 2009 and beyond
- IC 6-3.5-6-31(f)(2)(B) – public safety income tax funds must be deposited into a separate account or fund
- Municipality may appropriate from the public safety tax revenue fund for public safety purposes

Change to the Budget 2010

- Proposal 15 will transfer Public Safety Income Tax revenues from the IMPD General Fund and the County General Fund to the Public Safety Income Tax Fund
- Transfer revenue of \$60.4M in 2010 to the Public Safety Income Tax Fund, (\$24.6M County and \$35.8M City)

2010 Revenue Impact

Revenue	Fund	Reduction	Fund	Increase
<u>CITY</u>				
Public Safety Income Tax	IMPD General	-\$35,788,092	Public Safety Income Tax	\$35,788,092
<u>COUNTY</u>				
Public Safety Income Tax (County)	County General	-\$24,591,536	Public Safety Income Tax	\$24,591,536

Change to the Budget 2010

- Shifts appropriations from IMPD General Fund and County General Fund to the Public Safety Income Tax Fund (City and County)
- Agencies affected: IMPD, Superior Courts, Sheriff's Department, Coroner, Prosecutor, Public Defender and the Crime Lab
- **DOES NOT REDUCE THE OVERALL BUDGET OF IMPD AND COUNTY AGENCIES**

2010 Appropriation Impact

Agency	Fund	Reduction	Fund	Increase
IMPD	IMPD General	-\$35,788,092	Public Safety Income Tax	\$35,788,092
Sheriff	County General	-\$12,086,799	Public Safety Income Tax	\$12,086,799
Superiors Courts	County General	-\$6,771,251	Public Safety Income Tax	\$6,771,251
Coroner	County General	-\$392,402	Public Safety Income Tax	\$392,402
Prosecutor	County General	-\$1,932,629	Public Safety Income Tax	\$1,932,629
Public Defender	County General	-\$2,554,670	Public Safety Income Tax	\$2,554,670
Crime Lab	County General	-\$853,785	Public Safety Income Tax	\$853,785